

GOES OVER

Unexpected Continuance
of the Terry Mur-
der Case

TO NEXT TERM

Defence Asked for Continuance on Account of Ex-Governor Russell's Illness—State Unsuccessfully Opposed the Motion—Set for Trial for January.

Another continuance in the Terry murder case. That is the unexpected result of the expected motion made by the counsel for the defence for such a course to be pursued on account of the illness of ex-Governor Daniel L. Russell.

Judge Geo. H. Brown, Jr., allowed the continuance in the superior court yesterday afternoon. The motion was made soon after the opening session of court in the morning, but a decision was not given until the former time it was quite a surprise decision from many viewpoints and, of course, has created much comment.

The motion was made by Marsden Bellamy, Esq., of the firm of Bellamy & Bellamy, and he strongly urged that the case be continued. He stated to the court that ex-Governor Russell had been taken sick during the last term of court and was still ill in bed; that he had been informed by the two attending physicians that ex-Governor Russell was unable to be present at the trial should it take place at the present term. The defendant and himself felt, he said, that a full representation of the counsel for the defence was necessary for a proper presentation of the case, and that such could not be obtained at the present term of court on account of the sickness of ex-Governor Russell, who and himself had been the only counsel employed by the defendant, that he had visited ex-Governor Russell's home Sunday and had found him in bed and chafing under the anxiety that he would not be able to attend a trial this week, and that on the other hand the counsel for the state, who had been elsewhere, but was made necessary by a dispensation of Providence. In conclusion Mr. Bellamy said there was no public reason to railroad Terry to a trial and asked that the motion be allowed in the interest of common justice.

OPPOSED THE MOTION.

Solicitor Rodolph Duffy resisted the motion, though he said from a personal standpoint he would like to acquiesce in the granting of it, but he could not permit his personal feelings to conquer his feelings as a public officer. He spoke of having received a letter from Mrs. Daniel L. Russell about her husband's illness. Solicitor Duffy also commented upon the fact that other noted and experienced counsel represented the defence, including John H. Gore, Jr., Esq., of the firm of Russell & Gore. The sickness of ex-Governor Russell, he said, was to be regretted, but that it was there was a case that demanded a speedy trial it was the Terry case and consequently he opposed the motion to continue as justice and the public welfare demanded him to do so.

EMPLOYED ONLY TWO.

Mr. Bellamy again assured the court that the defendant had only employed two counsel—ex-Governor Russell and himself—and that they alone had employed the other lawyers to assist them. MR. SCHULKEN ALSO OPPOSED. J. R. Schulken, Esq., of the firm of Schulken & Lewis, Whiteville, also raised his voice in protest in behalf of the state against the granting of the motion, saying that the nature of the case was such as to demand a speedy trial; that he, too, would personally like to see the motion allowed, but that in behalf of justice he had to resist it. If a continuance was granted, he said, on account of the sickness of ex-Governor Russell why at the next term, another one of the counsel for the defence might be ill and another continuance would have to be allowed, according to precedent.

Mr. Schulken also commented on the fact that one of the members of the firm of Russell & Gore was present and said that at the last term of court, when a continuance was granted, the defence was represented by a team of six or seven counsel.

CONTINUANCE ALLOWED.

Judge Brown stated that he had also received a letter about the continuance from Mrs. Russell, as her husband was unable to write and that she stated that Terry was a poor man and had not had any two counsel and had already lost his husband's life fee. He reserved his decision until the afternoon session, when he rendered it as follows:

New Hanover County, Superior Court, December Term 1903. State vs. Terry. The prisoner moves the court to continue his trial until January term 1904 of this court upon ground that one of his leading counsel, Hon. Daniel L. Russell, is confined to his bed with malarial fever.

Upon the statement of Marsden Bellamy, Esq., in open court the court is informed that he and Judge Russell are the only counsel employed by prisoner to try his case in court; that the prisoner is a poor man and has used his means in payment of counsel and is unable to employ other assistance; that Judge Russell has been confined to his bed for five weeks with malarial fever, and is now confined to his bed. The same statement has been made to the court by the attending physicians.

It appears that the prisoner is in close confinement in jail and that no harm can come to the cause of justice by granting prisoner's motion. The

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of Agriculture:

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court is of opinion the prisoner under the circumstances is reasonably entitled to a continuance until January term. It is so ordered.

G. W. BROWN, JR., Judge.

TERRY NOT IN COURT.

The accused was not present during the lodging and argument of the motion, but his son was in attendance. The counsel for the state present were Solicitor Rodolph Duffy, J. B. Schulken, Esq., E. M. Koonce, Esq., J. F. Sellers, Esq., and Woodus Kellum, Esq. For the defence there were present Marsden Bellamy, Esq., John H. Gore, Jr., Esq., Walter P. Gafford, Esq., and B. G. Empey, Esq. Those absent were A. J. Marshall, Esq., John D. Bellamy, Jr., Esq., and Marsden Bellamy, Jr., Esq.

The next term of court will convene January 19th.

SUPERIOR COURT CONVENES.

Opening Session Held Yesterday. Rapid Progress Being Made by the Court, Aided by a Splendid Grand Jury—Number of Larceny Cases Tried—Carnival Fakir Made Lucky Escape.

If the rapid pace set at the opening session yesterday of the superior court is kept up the present term will come to an end in short order. It will be a sort of record breaker. The grand jury is aiding greatly in this commendable work, for it means a saving of time and consequently a saving of taxpayers' money, as it is acting with exceptional dispatch, but at the same time with perfect thoroughness. The composition of this jury is splendid.

Court convened yesterday morning a few minutes past 10 o'clock. Judge Geo. H. Brown, Jr., presiding. Other court officers in attendance were Solicitor Rodolph Duffy, Clerk John D. Taylor, High Sheriff Frank H. Steadman and Deputy Sheriff William Sheehan.

The first business, as usual, was drawing of the grand jury, which was accomplished as follows:

F. H. Fechtig, foreman; W. T. Shepard, J. D. Woody, J. M. Hewitt, L. W. Beardsley, W. B. McClellan, Dan E. Kerr, Chas. E. Knox, Jas. Allen, Colin E. Kerr, D. M. Beardsley, C. D. Poard, W. B. Beery, W. T. G. Keen, W. W. King, W. H. Merritt, G. W. Huggins and A. L. Dozier.

The charge was very brief, as His Honor said he felt that the jury was fully conversant with the laws governing the matters that would come before it. The docket was next taken up and, after the motion in the Terry case had been argued, the following cases were disposed of:

The negro Jim Whitted, who obtained eggs from Mr. W. J. Meredith and the Wilmington Grocery Company upon the false pretense that he was executing an errand for Mr. Clayton Gilles, submitted in three cases. In one he was sentenced to six months on the roads and judgment was suspended in the other two.

Viola Edwards, the negro woman who robbed Mrs. R. W. Wallace, by whom she was employed, of a pocket book and about \$13 in money, was found guilty and sentenced to four months in jail.

Clayton McLaurin, the negro who savagely chewed a thumb of Police Janitor Frank L. Harper Thanksgiving afternoon, was tried for resisting an officer, forcible trespass and assault with a deadly weapon. In each he was found guilty and a sentence of six months on the roads was imposed.

Another resistor of a policeman, Nathan Crawford, submitted in two cases, and in one he was fined \$15 and costs and in the other judgment was suspended upon payment of costs.

The negro shoplifter, Arthur Thomas, who visited Taylor's Bazaar a Saturday night or two ago, was found guilty and given six months on the roads.

Louis Landner, colored, also drew a six months' sentence for having stolen a jacket from a Syrian.

The carnival fakir, Raymond Joe Say, who abducted little Maggie McClellan when the Layton aggregation was about to leave Wilmington yesterday, made a lucky escape. Judgment in his case was suspended upon payment of cost, as Solicitor Duffy stated to the court that the girl's mother did not desire to push the matter.

Queen Victoria was given thirty days in jail for having been guilty of carrying a concealed weapon.

The case of removing crops against John Johnson was continued.

The two negro gamblers, Dave Merritt and Ben Bivens, captured by Policeman Guy last week, submitted, but judgment was not pronounced. Court about 5 o'clock took a recess until this morning.

For the Month and Year.

Yesterday closed the fiscal year in Register of Deeds office as well as the end of the month. During the year just closed 373 marriage licenses were issued; 172 to white couples and 201 to colored. At three dollars apiece they brought in a total of \$1,119. For the month of November 14 licenses were issued for whites and 19 for

Trifoussé Kid Glove, Platt & Haar.

REV. DR. ROBERT STRANGE.

His Sermon Not a Laudation of President Roosevelt.

The Raleigh Correspondent of the Charlotte Observer says:

Bishop Cheshire has been away from Raleigh most of the time during the past two months, but came here last week. He was in Richmond, Va., a few days ago and was the guest of Rev. Dr. Robert Strange, of St. Paul's Episcopal church there. In October the papers had a great deal to say about a sermon preached by Dr. Strange, saying he had preached on humility and had cited President Roosevelt as an example of it. Nothing could be further from the truth. The fact is that one Sunday in October the Rev. Dr. Strange preached a sermon on "Humility" and on the Sunday following preached one from the text "Let your light so shine before men," etc. In the course of the last sermon he referred to President Roosevelt's public courage on certain lines as being commendable, but there was not the slightest reference to any humility and no fulsome laudation of the president. This last sermon was one which the Rev. Dr. Strange had preached seven years before in Wilmington while he was rector of St. James' church there.

High Grade Table Linen. Platt & Haar.

IT WAS SUPERB.

Classical Musicale Given at the Y. M. C. A. Last Night.

The most cultured and exacting music critics of the city last night pronounced the concert given at the Y. M. C. A. under the personal and artistic direction of Mrs. Annie Bell Harris, as one of the most perfect and probably the most superb of any musical of similar nature ever given in Wilmington.

The programme embraced a fine selection of the masterpieces of the most noted composers and each number was magnificently rendered and rapturously enjoyed by the greatly delighted and highly appreciative audience.

The musicale was presented by Mrs. Harris, soprano; Miss Lizzie Otten, whistler; Miss Rosa Aubrey, of Cartersville, Ga., pianist; and Mr. D. Amati Richardson, violinist.

Mr. Geo. P. James announced the numbers and did it with the grace and attractiveness so happily possessed by him.

The Peruna Almanac in 8,000,000 Homes.

The Peruna Lucky Day Almanac has become a fixture in over eight million homes. They are to be obtained at any first class drugstore, free. Be sure to inquire early. The 1904 Almanac is already published, and the supply will soon be exhausted. Do not put it off. Get one today.

STOLE A WATCH.

Negro After Being Locked Up Several Hours Gave Up His Booty.

With a charge of watch stealing against him a young negro man, Joe Taylor, alias Joe Baldwin, is now in the station house and will be tried in the police court today. The negro has virtually confessed committing the crime, which happened Saturday night in the alley next north of the old Racket Store on South Front street. He, so it is alleged, snatched it from a white sailor off the schooner Southernland, now in port, and at the time made his escape. Later, he was arrested on a warrant by Policeman Martin Jones.

Sunday Taylor, alias Baldwin, informed Policeman H. W. Howell that he had hid the watch in an alley on Dock street, near Third. The officer went to the alley and as directed, found the watch, a double case sifter, one, buried in the ground and with a pile of trash over it.

VARIED AND UNEXCELLED.

Fine Offering at the Y. M. C. A. Tonight.

To render a musical and dramatic programme that will please all classes is one of the difficult problems of Lyceum work, but this problem has been successfully solved by the Chicago Lady Entertainers. Their ability to please was fully demonstrated by an evening given to the members of the Calumet Club, of Milwaukee, Wis., which is one of the largest and most select social organizations in the west. These young ladies entertained the members of the club in a highly satisfactory manner and received a most hearty endorsement as all round entertainers.

The box sheet which is at DeRosset's book store, indicates the usual large audience that always greets the numbers of the Star Course.

The postponed meeting of the Piano Club will be held tomorrow evening at 8 o'clock.

Weak
Hearts

Are due to indigestion. Ninety-nine of every one hundred people who have heart trouble can remember when it was simple indigestion. It is a scientific fact that all cases of heart disease, not organic, are not only traceable to, but are the direct result of indigestion. All food taken into the stomach which fails of perfect digestion ferments and swells the stomach, putting it up against the heart. This interferes with the action of the heart, and in the course of time that delicate vital organ becomes diseased.

Mr. D. Kauble, of Nevada, O., says: "I had stomach trouble and in a bad state as I had heart trouble with it. I took Kodol Dyspepsia Cure for about four months and it cured me."

Kodol Digests What You Eat and relieves the stomach of all nervous strain and the heart of all pressure.

Bottles only, \$1.00. Size holding 2 1/2 times the trial size, which sells for 50c.

Prepared by E. O. DeWitt & Co., CHICAGO.

CASTORIA

The Kind You Have Always Bought, and which has been in use for over 30 years, has borne the signature of *Chas. H. Fletcher* and has been made under his personal supervision since its infancy. Allow no one to deceive you in this. All Counterfeits, Imitations and "Just-as-good" are but Experiments that trifle with and endanger the health of Infants and Children—Experience against Experiment.

What is CASTORIA

Castoria is a harmless substitute for Castor Oil, Paregoric, Drops and Soothing Syrups. It is Pleasant. It contains neither Opium, Morphine nor other Narcotic substance. Its age is its guarantee. It destroys Worms and allays Feverishness. It cures Diarrhoea and Wind Colic. It relieves Teething Troubles, cures Constipation and Flatulency. It assimilates the Food, regulates the Stomach and Bowels, giving healthy and natural sleep. The Children's Panacea—The Mother's Friend.

GENUINE CASTORIA ALWAYS

Bears the Signature of

Chas. H. Fletcher
The Kind You Have Always Bought

In Use For Over 30 Years.

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METHODIST APPOINTMENTS.

Only Two of the Present Pastors Will Remain.

In another column will be found the appointments made at Goldsboro yesterday afternoon by the bishop at the close of the annual meeting of the Methodist conference. As will be seen there will only be two familiar faces returned, Rev. R. B. John, presiding elder, and Rev. G. B. Webster, of Bladen street church.

Rev. N. M. Watson, who was stationed at Chapel Hill last year, will be the new pastor of Grace church and Rev. A. McCullen, who was at Oxford last year, will change places with Rev. F. M. Shamburger, of Fifth Street church. Market street church will be served by Rev. A. B. Haltum, Rev. J. W. Potter going to Mt. Olive and Faison.

Rev. J. N. Cole, who has been stationed at pastures of Grace church for the last four years, leaves to become presiding elder of the Rockingham circuit.

We hope the appointments will suit the pastors and churches, but it is hard to part with friends, especially when they are such clever ones and Christian gentlemen as those who leave Wilmington to engage in the church's work elsewhere.

VESTRY ELECTION.

Directors of St. James' Church Selected Yesterday.

The annual election of vestrymen of St. James' Episcopal church was held yesterday and the following selections were made:

Colonel William L. DeRosset, Colonel John W. Atkinson, Major William F. Robertson, General James I. Meets, Captain T. D. Meares, Dr. J. H. Hardin, Alderman W. H. Yopp and Messrs. J. V. Grainger, D. H. Lippett, William Calder, J. Allen Taylor and J. H. Boatwright.

Catherine Kennedy Home.

Contributions to the Catherine Kennedy Home for November were as follows:

Miss Sue Hall, cake; Mrs. Wilder, potatoes; Mrs. Solomon, books; Mrs. H. L. Vollers, rice flakes; Mrs. W. F. Alexander, preserves, sugar; Mrs. Dr. F. H. Russell, flour; Mrs. Wm. French apples, lemons; Mrs. Gate de R. Meares, money; Mrs. Frank Hall, oranges; Mr. J. A. Montgomery, eggs; Mr. Hintze, turkey for Thanksgiving, and beef weekly; Mrs. Dunn, apples; Mr. R. R. Bellamy, drugs; Mr. Hicks Bunting, drugs; Mr. J. A. Springer, ice daily; Mrs. Bridges, coffee; N. K. Fairbanks Co. for potatoes donated through Mr. Reuben Pickett. The society would also like to thank Mayor Springer and Mr. J. C. Stevenson for favors shown the home.

The monthly meeting will be held Tuesday afternoon at 4 o'clock at the home.

FOR FOREIGN POINTS.

Two Schooners Cleared Yesterday With Lumber.

The American schooners Carrie W. Buckham and W. R. Perkins cleared yesterday loaded with lumber. The former had aboard 210,150 feet of lumber and 3 round logs, valued at \$2,943.55, and the latter had aboard 117,829 feet of lumber and 17,000 shingles, valued at \$3,357.49.

The Bremen cleared for Samana, Santo Domingo, and the Perkins for Kingston, Jamaica.

Prof. Brannon to Return.

The Hollowbush orchestra will soon be strong augmented by obtaining the services of Professor Cassio Brannon who is well remembered as the leader of the Cassio orchestra last summer. He will play first violin, succeeded Mr. D. Amati Richardson.

The advertiser who thinks that one insertion is enough is like the man who walked over his field with hollon shoes and called it plowed.—Atlanta Journal.

AFTER THEM

Police Arrested Eight

Shady White Women

Last Night

TRIALS TO-DY

They Are Charged With Selling Beer

Without License and on Sunday.

Indictments Sent to Grand Jury

Against Certain Women of the

Fourth and Castle Streets' Locality.

The crusade against the female keepers of the alleged houses of ill fame that so conspicuously and degradingly mark the vicinity of Fourth and Castle streets and MacRae street has commenced afresh. Last night the police department threw out a drag net and made a large catch, which included white women by the names of Kate Jenkins, Mamie Sheridan, Lola Harris, Cecil Livingstone, Effie May, Mattie Allen and Gussie Greer. All the women run (at a 240 gait) houses in the Fourth and Castle streets' locality, save the last two mentioned, who live on MacRae street.

The women were arrested on warrants by Policemen M. E. Gay, A. D. Smith and H. W. Howell, and are charged with selling beer on Sundays and without licenses.

The trials are set for noon today in the police court.

GRAND JURY TO INDICT.

Nor is the fight to stop with the arrests last night, for, it is understood, that certain keepers of houses in the vicinity of Fourth and Castle streets are to be indicted by the grand jury of the present superior court. Bills of indictment were drawn yesterday and were sent by Solicitor Rodolph Duffy to the grand jury.

It is further understood that the women will be indicted for keeping bawdy houses.

A prominent gentleman who is connected with the prosecution stated yesterday that it was hoped to rid Fourth and Castle streets of the pest.

BEST OF ALL TONIGHT.

Academy Offers One of Tascas' Magnificent Band Concerts—Seats on Sale at Plummer's—No Advance in Prices.

Tonight at the Academy the famed Royal Artillery Band, under the leadership of the equally as famed Tascas, will present a superb concert. It will be by far the greatest musical feast Wilmington will be offered this season and should be enjoyed by a "standing room only" audience. Besides the band's renditions the programme will include vocal selections by celebrated soloists. An idea of the treat in store can be gained from the following programme which will be presented to-night with popular airs for encores: March, "Sinfonia"—Costantino. Overture, "William Tell," with Phenomenal Tempest—Rossini. Pas De Fleurs—Moses. Celebrate Oregon Offertoire—Batiste. "American Girl," Two Steps—Tasca. PORT SECOND.

Overture, "Tennhauser"—Wagner. Tenor Solo, Selected—Sig C. Portu-nado.

"Il Trovatore"—Verde. Septette From "Lucia"—Dannizette. Soloists—Sig. Antonello, Del Arcipute Salomone, Vespe Conecone and Coleavcheli.

Stephen Foster—Tobani.

The seat sale is now on at Plummer's and the prices have not been advanced.

CAUSED BY RATS.

Home of Mr. Allison Alderman Afire Yesterday.

Shortly past noon yesterday troublesome rats caused a fire at the residence of Mr. Allison Alderman, No. 213 North Second street, and damage to the house and furniture resulted to the amount of about \$75, but both losses were covered by insurance. The house is owned by Mr. T. W. Wood.

The alarm was sent in at 12:17 o'clock from box 25, Front and Grace streets.

Henry Brown, the young negro who shot at D. E. Costin, keeper of the Golf Club links, Saturday afternoon was bound over to the superior court by Justice Fowler yesterday afternoon.

Dyspepsia

What's the use of a good cook if there's a bad stomach—a stomach too weak properly to digest what is taken into it?

The owner of such a stomach experiences distress after eating, nausea between meals, and is troubled with belching and fits of nervous headache—he's dyspeptic and miserable.

"I have been troubled with dyspepsia and have suffered almost everything. I have tried many different remedies, but could get no relief until I began taking Hood's Sarsaparilla. After the use of this medicine I could eat without distress, and today I am as well as ever, but I always keep Hood's Sarsaparilla on hand." Mrs. J. A. CROWELL, Canajoharie, N. Y.

Hood's Sarsaparilla and Pills

cure dyspepsia, strengthen and tone all the digestive organs, and build up the whole system.